

JAN 09 2006

Attorney Docket No: 20121-72260

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carl J. Kissell et al. Confirmation No. 5999
Serial No.: 10/670,886 Art Unit: 3724
Filed: September 25, 2003 Examiner: Nguyen, Phong H.
For: Frangible Fiberglass Insulation Batts

RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

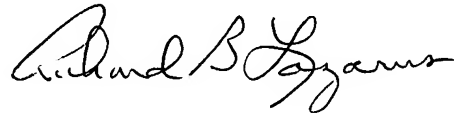
Sir:

This is in response to the 01 December 2005 office action.

A telephone interview was conducted with the examiner and it was agreed that U.S. Patent No. 6,923,883 to Kissell et al. is not prior art to the present application because the present application was filed on September 25, 2003, the same day as the filing of U.S. Application No. 10/670,539 which is now the '883 Kissell et al. patent. Accordingly, the rejection of claims 17 and 20 as unpatentable over Weinstein, Rudy and the '883 Kissell et al. patent is improper because the '883 Kissell et al. patent is not prior art. The examiner agreed to withdraw the rejection and applicants agreed to file a terminal disclaimer to obviate any obvious double patenting over the '883 Kissell et al. patent. Such terminal disclaimer was filed 28 December 2005. For all of the above reasons, the application is in condition for allowance and such action is, respectfully, requested.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees, be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg LLP, Deposit Account No. 10-0435 (20121-72260).

Respectfully submitted,
BARNES & THORNBURG LLP

A handwritten signature in cursive script, reading "Richard B. Lazarus".

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